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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/511,934

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Petri Ahonen

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EXAMINER

ARMOUCHE, HADI S

ART UNIT

PAPER NUMBER

2432

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/511,934	<b>Applicant(s)</b> AHONEN, PETRI	
	<b>Examiner</b> HADI ARMOUCHE	<b>Art Unit</b> 2432	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/21/2009 has been entered.

2. Claims 1-9 and 11 have been amended. Claims 1-11 remain pending.

### ***Response to Arguments***

3. Applicant's arguments filed 01/21/2009 with respect to claims 1, 5, 7 and 11 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 4 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Regarding claim 1:

- In line 10, the claim recites: “*a module configured to encrypt a dataflow...*”.

The examiner assumed that the dataflow is the same as the dataflow

mentioned in line 4. If the examiner is correct, please change the claim language to say: “*a module configured to encrypt the dataflow...*”.

- In line 10, the claim recites: “*...and decrypt the encryption with...*”. The examiner wasn’t sure if the applicant means encryption parameter or encryption dataflow. Please clarify.
- In lines 19 and 20, the claim recites: “*...being configured to manage....synchronization applications*”. It is not clear if there is a difference between what the applicant calls an application and a module since in lines 12 and 13, the module does the same thing. Please clarify.

7. Claim 1 recites the limitation “*the data communication network*” in line 15. There is insufficient antecedent basis for this limitation in the claim. Whereas the applicant in lines 20-21 of the claim recites: “*...concerning a data communication network*”.

8. Claim 4 recites the limitation “*wherein the downloading of.....encryption parameters at the terminal....*”. There is insufficient antecedent basis for this limitation in the claim. Claim 1 line 6 teaches that the encryption parameters are already being stored in the terminal and not downloaded.

9. Claim 6 line 1 recites: “*....wherein said application is...*”. The examiner wasn’t sure if the applicant means encryption application or synchronization application mentioned in claim 5 (in which claim 6 depends on). Please clarify.

***Claim Objections***

10. Claim 1 is objected to because of the following informalities: in line 13, the claim recites: “....*desynchronize the synchronization...*” It is suggested to say “....*synchronize the synchronized data flow ...*”. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1, 4-5, 7 and 9-11 are rejected under 35 U.S.C. 103(a) as being anticipated by Relander et al. (US 2002/0066012) referred to hereinafter by Relander in view of MacInnis (US 5,951,639).

13. Regarding claims 1, 5, 7 and 11, Relander teaches a *system configured to arrange end-to-end encryption between two or more pieces of terminal equipment communicating with one another* [abstract], *said terminal equipment comprising:*

*a codec configured to convert an audio signal into a dataflow and vice versa*

[paragraph 0026],

*a module configured to manage encryption parameters (initialization vector IV) stored in connection with the terminal equipment* [paragraph 0032],

*an encryption key stream generator configured to generate a key stream segment with the said encryption parameters* [paragraphs 0006, 0026 and 0032],

*a module configured to encrypt a dataflow and decrypt of the encryption with the generated key stream segment [equation in paragraph 0026],*

*a module configured to synchronize of the encrypted dataflow and to de-synchronize the synchronization [abstract and paragraph 0007], and*

*at least one interface (terminal) configured to receive the encryption parameters from the data communication network [paragraph 0006],*

*and wherein at least one of the pieces of terminal equipment is configured to function as a special server terminal device, being configured to manage at least one of encryption and synchronization applications as well as the encryption parameters concerning a data communication network and to distribute these based on an established criterion to the other pieces of terminal equipment [paragraphs 0006, 0007, 0009, 0026, 0031 and 0033], and wherein*

*the terminal equipment is configured to manage said applications, where the terminal equipment comprises a data memory configured to store the applications and a processor and operating memory configured to execute the applications [paragraphs 0006, 0007, 0009, 0026, 0031 and 0033].*

Even though Relander teaches having the key stream generator and the synchronization control as part of the system in the form of hardware components or applications pre-installed in the system and that both are equivalent to and perform the functionality of encryption and synchronization applications of the current claimed invention, Relander does not explicitly teaches that *the terminal equipment is configured to download said applications from said terminal device*. MacInnis teaches

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that *the terminal equipment is configured to download said applications from said terminal device* [abstract and col 2 lines 18-52].

At the time of the invention was made, it would have been obvious to an ordinary skill in the art to download to the terminal equipment (such as a cell phone) the needed software/applications/modules to be able to communicate (encrypt/decrypt/synchronize) with the other terminal over the network [MacInnis, col1 lines 6-15].

14. Regarding claim 4, Relander teaches a *system wherein the downloading of the at least one of encryption and synchronization applications as well as the encryption parameters at the terminal equipment is arranged to take place in a self-organizing manner with Short Data Service messages* [paragraphs 008 and 0037 where the packets received are re-arranged to the original data sent].

15. The method of claim 9 has the same limitation as the system of claim 4 and hence same rejection rational is applied.

16. Regarding claim 10, Relander teaches that *the method is implemented in a wireless terminal equipment* (cell phone/mobile station/TETRA base station) [paragraph 0002 lines 1-5 and paragraph 0025 lines12-13].

17. Claims 2, 3, 6 and 8 are rejected under 35 U.S.C. 103(a) as being anticipated by Relander in view of MacInnis and in further in view of Papineau (US 7,092,703).

18. Regarding claim 2, the combined teaching of Relander and MacInnis does not explicitly teach that the *system is configured to run applications of a Java 2 Platform Micro Edition specification with said processor*.

Papineau teaches that the *system is configured to run applications of a Java 2 Platform Micro Edition specification with said processor*. [col 2, lines 9-19 and 31-40].

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to run application according to J2ME in the combined teaching of Relander and MacInnis system/phone as taught by Papineau. The suggestion/motivation would have been to run application in mobile devices that implement J2ME since they are memory constraint and have limited processor [Papineau, col 2, lines 41-52].

19. Regarding claim 3, Papineau teaches that the *system is configured in accordance with a Mobile Information Device Profile specification* [col 2, lines 53-58].

20. Regarding claim 6, Papineau teaches *the application is configured to arrange command functionality at least at the interface between a subscriber identity module and the terminal equipment through a mobile information device profile application protocol programming interface* [col 2, lines 53-58].

21. The method of claim 8 has the same limitation as the apparatus of claim 6 and hence same rejection rational is applied.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HADI ARMOUCHE whose telephone number is (571)270-3618. The examiner can normally be reached on M-Th 7:30-5:00 and Fridays half day.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. A./  
HADI ARMOUCHE  
Examiner, Art Unit 2432  
02/23/2009

/Gilberto Barron Jr./  
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